

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1277 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : YES
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

M/S PRATIBHA SYNTEX LTD

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR TUSHAR MEHTA for Petitioner

MR PK PANCHOLI for Respondent No. 2

CORAM : MR.JUSTICE J.N.BHATT

Date of decision: 11/04/2000

ORAL JUDGEMENT

Rule. Service of rule is waived by Mr. Pancholi
for the respondents.

This petition is against the decision recorded by
the appellate committee of the Gujarat Electricity Board
by its order dated 17.11.1999 whereby the original

supplementary bill amount of Rs. 1,44,17,656/- came to be reduced to Rs. 64,66,168/-. Out of which, an amount of Rs. 28,83,532/- has been paid. Both the sides are heard.

According to the submission of the learned advocate Mr. Mehta for the petitioner, the amount deposited, even as per the reduced amount, as per the order of the appellate committee is not due and payable. Despite that, the petitioner has paid, almost, 50% of the amount. According to him, there are substantial questions to be considered.

Learned advocate Mr. Pancholi has stated that amount of Rs. 35,82,636/- is due and payable. However, since the matter is required to be remanded to the appellate committee for consideration of vital, substantial and material points which affected the merits of the claim amount. It was, therefore, submitted on behalf of the respondents by Mr. Pancholi that the petitioner may be directed while passing an order of remand, to deposit additional amount of Rs. 5 lakhs towards the amount due and payable as per the contentions of petitioner. Disconnection has already been made on 24.3.2000 on account of non-payment of remaining amount due and payable, as stated above.

In view of the peculiar facts and special circumstances obtainable in this petition, while remitting the matter back to the appellate committee for reconsideration and rehearing of all the points that may be raised, which are already raised in this petition as well as in the earlier appeal, it would be just and reasonable to direct the petitioner to deposit Rs. 3,50,000/- within a period of one week from today before the respondent authority. On the amount being deposited, the matter will be considered ripe for hearing. In the meantime, on the amount being deposited, reconnection shall be done forthwith for which the learned advocate Mr. Pancholi, on behalf of the respondent, agrees that reconnection shall be done forthwith.

In view of the aforesaid observations and directions, this petition stands disposed of. Rule is partly made absolute. No order as to costs.

(J.N. BHATT, J)

(pkn)